# Abstract Proceedings of the Meeting of the Representative Assembly, held at Mysore, being a summary of the discussion which took place on each subject together with the reply given by the Dewan.

## Section I. Subjects of General Interest.

Subject Nos. 1 to 4 were introduced by Mr. Digby T. Brett, Coffee Planter, R. M. from North Mysore Planters' Association.

No. 5 by Mr. B. Garudachar, B. A., B. L., Advocate, R. M. from the Shimoga Taluk.

Nos. 6 and 7 by Mr. Graham Anderson, Planter, R. M. from South Mysore Planters' Association.

No. 8 by Mr. R. Collins, R. M. from the Kolar Gold Mining Board.

Nos. 9 and 10 by Mr. Venkatkrishnaiya, R. M. from Mysore City Municipality.

Nos. 11, 12, 20 and 28 by Mr. Nadig Sivappa, R. M. from Sorab Taluk.

No. 13 by Mr. N. Sivappa and by Mr. Srirangachar, R. M. from T. Narsipur.

No. 14 by Mr. Kanur Ramachandraiya, R. M. from Yedahalli Sub-Taluk.

No. 15 by Mr. Patre Rudrappa, R. M. from the Birur Municipality.

Nos. 16 and 17 by Mr. Ganesh Rao, R. M. from the Kadur District Local Fund Board

No. 18 by Mr. Srinivasa Rao, R. M., Chikmagalur Municipality.

No. 19 by Mr. Annaiya Pandit, R. M. from Mysore District Local Fund Board.

No. 21 by Mr. Karisiddappa, R. M. from Channagiri Taluk.

No. 22 by Mr. Ghous Khan, R. M. from Sarjapur Municipality.

No. 23 by Mr. Goravange Setti, R. M. from Kadur Municipality.

No. 24 by Mr. Anantaiya Setti, R. M. from Chitaldroog Municipality.

No. 25 by Messrs. Shanbhog Venkatramaiya and Nadig Subba Rao, R. M. from the Holalkere Municipality and the Nagar Taluk.

No. 26 by Mr. Venkatramaiya, R. M. from Arkalgud Taluk.

No. 27 by Mr. Kerode Subba Rao, B. A., R. M. from Tirthahalli Taluk.

**Subject No. 1. Act XIII of 1859.**

Mr. Digby T. Brett (Coffee Planter, R. M. from North Mysore Planters' Association) began by reminding the Government of the representations which had previously been made in regard to the working of Act XIII of 1859. So far back as in 1888, Planter Representatives had explained how the Act as it stands is inadequate for the requirements of the Planting community and requires amendment, and how even so, it was interpreted directly to the disadvantage of the Planters. It was urged that Planters stood in a most unfair position by being deprived of the benefits of the Act in so far as it relates to

defrauding coolies who live in or have taken refuge in Her Majesty's territory. The Dewan in reply to these representations was pleased to promise attentive consideration and to do what he could in the matter. Since then the subject had been brought up year after year and again last year. The defective character of the provisions of the Act had been admitted and the necessity for legislation had been recognised. The whole subject had been dealt with at the recent Planters' Conference and a memorial sent up to Government praying for the necessary legislation. Planters were not asking for legislation for repressing a class or favoring the Planter at the expense of the laborer. They only asked for fair play all round and equal justice to all. They only asked for protection against fraud and fraudulent breaches of contract on the part of the cooly. A system of advances is absolutely necessary in the circumstances of the country and it is utterly wrong to suppose that it fostered a system of veiled slavery. No such slavery exists as any one can satisfy himself by visiting the Planting Districts. On the contrary the speaker would venture to assert most emphatically that the advances and the regular employment given by the Planting community have greatly improved the condition of the laboring classes. Pending fresh legislation, Planters only ask for a fair working of the existing Act. The Act has been rendered inoperative and valueless by the strained and sometimes irreconcilable interpretations which have been put upon it by the Rulings of the Chief Court. Without going into all the details Mr. Brett would point out one or two important rulings only. The Chief Court have ruled that " The Act contemplates a " specific advance for a stated or specified work and the " advances under the Act cannot be formed into a sort of " running account by setting off payments by means of work " and making additional advances ; " and this view has been rigorously enforced so that even if one Rupee were paid to a cooly on the estate when he had no money to live upon, this would become a running advance beyond the purview of the Act. Another ruling relates to limit of time, whereas there is no such limit mentioned in the Act at all. In consequence of rulings such as these, matters have become so complicated that Planters have practically little or no redress and from their point of view, there is direct inducement to the dishonest cooly to defraud his employer of money and labor under legal protection. Mr. Brett would wish to have a conference with the Legal Advisers of Government at which he could go into fuller detail than was fittng to the present occasion.

Mr. Graham Anderson (Coffee Planter, R. M. from the South Mysore Planters' Association,) followed on the same subject. He alluded to the proceedings of the late Planters'

conference held at Bangalore on this subject and said that the direct and special aim of the Planting community was to secure for employers and employed alike an equitable revision of the statute so as to permit them freely to make lawful contracts and agreements to suit their reasonable wants under circumstances which will tend to their mutual benefit by precluding the possibility of hardship or disappointment on either side. An Ordinance framed to meet recognized requirements had been authoritatively declared to be totally unfitted for such purpose, and the Planters asked that it may be rendered intelligible alike to the contracting parties and to the Magistracy and be amended for this purpose. Planters, Mr. Graham Anderson said, do not ask for an elaborate Labor Ordinance, such as Planting interests in foreign countries might require. There was no analogy between the laborer emigrating from Bengal to Assam and the laborer working on the etates in the Mysore Coffee Districts. Here the laborer was practically at home. Coffee Estates were surrounded on all sides by villages and paddy fields. Police Stations, Revenue and Judicial offices and Public Medical Dispensaries were all within easy reach, and it was a very serious mistake for any one to suppose that the laborer here was badly treated. Pending an equitable amendment of Act XIII of 1859, Mr. Graham Anderson would suggest that himself and his collegue Mr. Brett might be permitted to have a separate conference with the legal advisers of Government, as a free interchange of explanations might tend to clear away at least some of the difficulties which in the aggregate have created a situation seriously prejudicial to the large Planting interest. The magnitude of this interest in the entire Coffee Districts of Mysore and Madras was fully set forth in the Proceedings of the recent conference held at Bangalore. Mr. Graham Anderson had compiled the statistics of only two taluks (*viz.*, Manjarabad and Belur) in the Mysore country and presented a note thereof to the Dewan showing that there are 184 European Planters owning 21,697 acres and paying a revenue of Rs. 22,818 to Government, and 15,895 Native Planters owning 35,155 acres and paying a revenue of Rs. 33,566 to Government, or a total of 16,079 Planters owning 56,852 acres and paying an annual revenue of Rs. 56,384 to Government. The value of the European Estates is estimated at 111½ lakhs of rupees. The annual outlay on European and Native Estates cannot be estimated with fair approximation as it depends upon the nature and methods of cultivation. But a low computation would give it at about 23½ lakhs of rupees and a moderate average rate would give it at more than 35 lakhs of rupees. As ⅔rds of the outlay would represent wages to laborers working in the Plantation itself (without reckoning those employed on roads, buildings, &c.) the outlay on agricultural labor alone may be

estimated at nearly 23½ lakhs of rupees annually, of which about 11 lakhs would have to be advanced and it is these advances which will be in peril if the Planter is not sufficiently protected against the fraudulent laborer and the loss to the Planter is not merely the loss of these advances but the loss of much greater magnitude entailed by impaired produce as a consequence of absence of sufficient or timely tilling. These figures relate to two taluks only.

Mr. Srinivasa Rao (Coffee Planter, R. M. from Chikmagalur Municipality) endorsed all that had been urged by the preceding two speakers and pointed out that if the Planting interest in the South Mysore Coffee District was large as had been explained, that of the North Mysore Planting District was larger as can be understood when it is noted that about ⅔rds of the entire area under coffee are comprised in the North Mysore tract. A defrauding cooly entails on the Native Planter much greater loss than on the European Planter inasmuch as the former has to pay much heavier interest on the money he borrows for working his estate than does the European. If the various kinds of work which have to be carried out on the estate are not carried out in proper time, the produce would be less. By fraud on the part of a few coolies, the estate greatly suffers not merely by the loss of the season's work which those coolies would have rendered, but also by want of sufficient supervision while the Planter is absent in Courts and Cutcherries in pursuit of the defrauding coolies. When the Planter has to go to Court, he is met by all sorts of pleas in protection of the fraudulent laborer. The advance is barred by limitation; the time is inopportune for issue of processes; the account with the defrauding cooly has been a running account; the complaint is not preferred during the pending of the contract, and so on. All these are pleas beyond the four corners of the Act, and therefore such as the Planter never contemplated. The grievance which the Planters have is great, and early redress is required. Mr. Huchangi Narasimmaiya, (Shanbhog, R. M. from Manjarabad Taluk) and Mr. Vasudeva Rao, (Land-holder, R. M. from Chikmagalur Taluk) followed on the same subject and spoke to the same effect, the latter particularly dwelling upon one kind of fraud which laborers very frequently practised, and of which Magistrates would sometimes not take cognizance, namely, of taking advances and engaging to work in two different places at the same time and of course committing default in one.

*Dewan's reply.*—We shall be glad to afford an opportunity to the Planter Representatives for discussing the matter further at a special conference to-morrow afternoon at 4 o'clock. The subject is a most difficult one and has engaged the attention of the Government of India. We shall be

prepared to follow that Government in any action they may take in this matter and in the meanwhile to consider any practical suggestions which the Planter Representatives may have to make.

**Subject No. 2.**

**Extradition of offenders under Act XIII of 1859.**

Mr. D. T. Brett adverted to the Resolution on the subject of extradition of offenders under Act XIII of 1859 unanimously passed at the Planters' Conference recently held at Bangalore to the effect that the Conference shall place before the Government of India a statement of the disadvantageous position in which Planters in Mysore and other Native States find themselves placed by the exclusion of offences under Act XIII of 1859 from the schedule of offences annexed to the Extradition Act as those for which extradition may be granted. The employers of labor in Mysore, Cochin and Travancore, Mr. Brett, said, find themselves involved in considerable difficulty in securing themselves against loss from fraudulent breaches of contract on the part of laborers from the neighbouring British Districts. The estates are situated in Native States; Act XIII of 1859 is in force in these Native States in the same manner as it is in force in British territoroy. Laborers, whether belonging to British territory or to the Native States, who offend against the law in British India, could be arrested in Native State territory and prosecuted. But not so those who offend in Native State territory and take refuge in British India. As the Extradition Act does not extend to them, they cannot be prosecuted; and as, owing to the paucity of labor in Native States in which the estates are situated, much of the labor employed has to be imported from the adjoining British territory, it often happens that a fraudulent laborer has only to return to his home in British India to escape all prosecution. The Conference had been led to believe that the Government of India saw objection of a political character to a system of complete reciprocity in this matter. In that case the Conference had suggested that a *modus vivendi* might be found in including Act XIII of 1859 in the schedule of the Extradition Act (which the Government of India had the power to do without fresh legislation) and by limiting to Special Magistrates the power of issuing processes which may be executed in British India. Under the circumstances, the number of Magistrates thus specially empowered need be very few indeed. Mr. Brett concluded by saying that on this subject the Planters' Associations in Mysore would submit written representations in greater fulness later on. Meanwhile they hoped that the Government of Mysore would accord their cordial support to the suggestion. Mr. Graham Anderson (Coffee Planter and R. M. from South Mysore Planters' Association) followed in support and to the same effect.